

# **THE JACOBS REPORT**

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## **JUSTICE WEAVER STEPS DOWN**

Supreme Court Justice Elizabeth Weaver announced plans to step down from her seat in October, ending over 30 years of service to the bench, 10 of which were spent on the state's highest court.

In a press release sent out Thursday morning, Weaver, a Republican from Glen Lake, said that her resignation is a statement against Michigan's term limit laws, which she feels are out of whack.

"I intend to put my money where my mouth is, and step down in October 2005, after more than 10 years on the Supreme Court," Weaver said in a two-page press release. "The right term limits can improve how government serves the people. Re-working the term limits will require our careful attention, public education and a constitutional amendment adopted by the people to fix the term limits problem."

Supreme Court Justices are allowed to run for consecutive eight-year terms until they hit age 70, meaning most justices can serve around 24-32 years. Weaver said her experience of more than 30 years as a judge has convinced her that the 24-year window is too long and creates an imbalance of power, especially considering the limits put upon the Legislature.

She said she agrees that term limits are necessary in the state's highest offices because "there is too much incumbency protection," especially for the Supreme Court justices and too much money in election campaigns. On the other hand, the three two-year terms allotted for an individual to run for representative and the two four-year terms an individual is allowed to run for senator are too short, she said.

"This prevents the natural rotation by election of people in the highest offices of the three branches of state government," she wrote.

Weaver wrote that she hopes that by giving a nine-month notice, the Legislature would also look at how vacancies on the court are filled, in which the governor has "unchecked" authority to pick a replacement.

Weaver, known as a conservative with an independent streak, had grown increasingly estranged from the Republican majority on the court over the past four years—her dissent with the other GOP-nominated justices amplifying after they replaced her as chief justice. Some legal observers praised her for her independence, but her decision to resign now, under a Democratic governor, upset some Republicans.

"She's going to let Granholm fill her spot? Oh my God," said Tom Shields, president of Marketing Resource Group, Republican-oriented firm. "Republicans spent an awful lot of capital to help Justice Weaver get elected, and it has been anticipated that the justice would take that into consideration when offering a resignation."

Former Attorney General Frank Kelley cautioned against interpreting Ms. Weaver's timing as a bitter slap to the court's other four Republicans.

"I know Justice Weaver and I respect her greatly," he said. "I know that she did this in the interest of her career. Anybody who tries to read anything political into this is ridiculous."

Ms. Weaver's resignation alters the face of Supreme Court politics. Against a 5-2 GOP majority, Democrats have waged only token opposition in recent elections. Knocking off one incumbent justice is an uphill battle; defeating two in one election is considered impossible.

Once the new Granholm appointee is seated, the Democrats' deficit is cut in half without a campaign, saving money and resources for an effort to defeat just one GOP justice. If this is accomplished, Democrats will seize control of the court's majority for the first time since 1998.

Currently, the governor can appoint any person who has been admitted to the practice of law for at least five years and is not required to seek advice and consent from the Senate, or anybody, for that matter. This change to the Constitution was made in 1968 as a way to end the expansion of special elections for judicial vacancies.

### **OFIS TRYING TO HELP CONSUMERS**

In a letter sent to the Office of Financial & Insurance Services (OFIS) Commissioner Linda Watters, Senator Michael Bishop (R-Rochester) asked to extend the effective date for eliminating credit scoring from the criteria insurance companies may use to hike consumer rates.

Commissioner Watters has been working to eliminate the use of credit scores from the criteria insurance companies use to determine rates and is expected to hold strong in her determination to protect consumers.

The effective date of the rule change is July 1 and insurance companies are telling Bishop they need between three and six months notice, not one month.

"I do not believe the State should be requiring insurers to make major changes without sufficient time to comply, or perhaps needlessly expend considerable resources to the detriment of policyholders who would ultimately bear the cost," Bishop wrote.

OFIS spokesman Andy Schor said the rule was filed with the Office of Regulatory Reform in October so the insurance company has known about it at least three months. From October to July is nine months, which is well within the window the insurance companies have said they needed.

The date has been extended at least once. Originally, the effective date was set to be Jan. 1, 2005.

"They knew this was coming," Schor said. "This isn't something new we've put out."

### **STATE FACES DEFICITS EVEN AS ECONOMIC REBOUND LOOMS**

Medicaid, education, prisons and revenue sharing are prime targets for cuts as the state looks to squeeze at least \$350 million out of the current year budget and \$750 million from the spending plan for 2005-06, experts from the non-partisan House and Senate fiscal agencies announced this week. The budget-balancing moves are pegged to what were described as conservative revenue estimates set by the Granholm administration and both fiscal agencies after economists presented forecasts indicating the state is on the verge of turning the corner on an economic slump that is now into its fourth year.

The official revenue estimates for both the current year and the upcoming year are not much changed from numbers set in a special session called in December when it became clear that another mid-year cut in spending would be required to erase a deficit.

### **MIRROR, MIRROR ON THE WALL: DETROIT NOT THE FATTEST OF THEM ALL**

Falling from first to third place isn't usually something to brag about, but today it is for Detroit.

According to this year's ratings in Men's Fitness magazine, Detroit dropped from being the nation's fattest city to number three, behind Houston and Philadelphia. Detroit also improved from last year in terms of air quality and health care.

State Surgeon General Dr. Kimberlydawn Wisdom said that despite the improvement, Detroit and the rest of the state still have a long way to go.

"Detroit is no longer the fattest city — that's good news," Wisdom said. "But that doesn't mean our problems have gone away. We have to continue to be vigilant in our efforts to promote healthy lifestyles to every adult and child in Detroit and across Michigan."

Approximately 62 percent of adults in Michigan are overweight or obese and only 4 percent of adults engage in the four essential healthy lifestyle choices: healthy weight, adequate fruit and vegetable intake, adequate physical activity and no smoking. When it comes to smoking rates, unhealthy eating habits and lack of exercise, Michigan usually ranks in the top five states nationally.

Wisdom hopes to change this through her statewide healthy lifestyles campaign called "Michigan Steps Up: Move More, Eat Better, Don't Smoke...It's That Simple."

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All Michigan legislation can be tracked at <http://www.legislature.michigan.gov/>.

State Senator Gilda Jacobs represents the 14<sup>th</sup> Senate District, which includes Beverly Hills, Bingham Farms, Farmington, Farmington Hills, Ferndale, Franklin, Hazel Park, Huntington Woods, Lathrup Village, Oak Park, Pleasant Ridge, Royal Oak Township, Southfield, and Southfield Township. She is the Minority Vice Chair of the Families & Human Services Committee and the Economic Development, Small Business & Regulatory Reform Committee. She also serves on the Government Operations and Health Policy Committees.

**Constituents of the 14<sup>th</sup> District may contact Senator Jacobs at [sengjacobs@senate.michigan.gov](mailto:sengjacobs@senate.michigan.gov) or toll-free at 1-888-937-4453.**

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